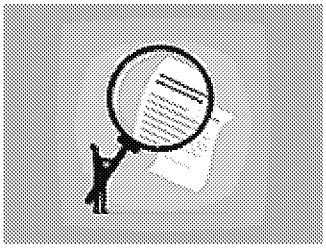
Message

From: Faeth, Lisa [Faeth.Lisa@epa.gov]
Sent: 10/20/2017 4:52:01 PM
To: Anderson, Steve [Anderson.Steve@epa.gov]; Askinazi, Valerie [Askinazi.Valerie@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Blunck, Christopher [Blunck.Chris@epa.gov]; Brown, Sam [Brown.Sam@epa.gov]; Buster, Pamela [Buster.Pamela@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Caraballo, Mario [Caraballo.Mario@epa.gov]; Carroll, Megan [Carroll.Megan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Christian, Myrta [Christian.Myrta@epa.gov]; Cleland-Hamnett, Wendy [Cleland-Hamnett.Wendy@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; DeDora, Caroline [DeDora.Caroline@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Dix, David [Dix.David@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Drewes, Scott [Drewes.Scott@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Ebzery, Joan [Ebzery.Joan@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Edmonds, Marc [Edmonds.Marc@epa.gov]; Eglsaer, Kristie [Eglsaer.Kristie@epa.gov]; Farquharson, Chenise [Farquharson.Chenise@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]; Frank, Donald [Frank.Donald@epa.gov]; Gibson, Hugh [Gibson.Hugh@epa.gov]; Gimlin, Peter [Gimlin.Peter@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Gordon, Brittney [Gordon.Brittney@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Gray, Shawna [Gray.Shawna@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Kapust, Edna [Kapust.Edna@epa.gov]; Kemme, Sara [kemme.sara@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Lavoie, Emma [Lavoie.Emma@epa.gov]; Leczynski, Barbara [leczynski.barbara@epa.gov]; Lee, Mari [Lee.Mari@epa.gov]; Leopard, Matthew [Leopard.Matthew@epa.gov]; Liva, Aakruti [Liva.Aakruti@epa.gov]; Lobar, Bryan [Lobar.Bryan@epa.gov]; Mclean, Kevin [Mclean.Kevin@epa.gov]; Menasche, Claudia [Menasche.Claudia@epa.gov]; Moose, Lindsay [Moose.Lindsay@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Moss, Kenneth [Moss.Kenneth@epa.gov]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Moyer, Adam [moyer.adam@epa.gov]; Myers, Irina [Myers.Irina@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Owen, Elise [Owen.Elise@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pratt, Johnk [Pratt.Johnk@epa.gov]; Price, Michelle [Price.Michelle@epa.gov]; Reese, Recie [Reese.Recie@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Rice, Cody [Rice.Cody@epa.gov]; Richardson, Vickie [Richardson.Vickie@epa.gov]; Ross, Philip [Ross.Philip@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Santacroce, Jeffrey [Santacroce.Jeffrey@epa.gov]; Saxton, Dion [Saxton.Dion@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Schweer, Greg [Schweer.Greg@epa.gov]; Selby-Mohamadu, Yvette [Selby-Mohamadu.Yvette@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Shafer, Jonathan [shafer.jonathan@epa.gov]; Sheehan, Eileen [Sheehan.Eileen@epa.gov]; Sherlock, Scott [Sherlock.Scott@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Slotnick, Sue [Slotnick.Sue@epa.gov]; Smith, David G. [Smith.DavidG@epa.gov]; Stedeford, Todd [Stedeford.Todd@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Thompson, Tony [Thompson.Tony@epa.gov]; Tierney, Meghan [Tierney.Meghan@epa.gov]; Tillman, Thomas [Tillman.Thomas@epa.gov]; Tomassoni, Guy [Tomassoni.Guy@epa.gov]; Tran, Chi [Tran.Chi@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Williams, Aresia [Williams.Aresia@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Wills, Jennifer [Wills.Jennifer@epa.gov]; Wise, Louise [Wise.Louise@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Wright, Tracy [Wright.Tracy@epa.gov]; Yowell, John [yowell.john@epa.gov]
Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

White House Adds Clues to Deregulatory Agenda



Lists of rules that agencies intend to cut in the upcoming year will appear in the fall regulatory agenda, which is scheduled to be published by the end of November, said Neomi Rao, administrator of the White House Office of Information and Regulatory Affairs.

INSIDEEPA.COM ARTICLES

EPA Pulls 'Most' Investigators From Pruitt's Security, Hires Dedicated Staff

BALTIMORE -- EPA has hired dedicated staff for Administrator Scott Pruitt's security detail following charges that it was improper for the agency to use criminal enforcement investigators for that duty, Michael Fisher, the director of EPA's legal counsel division, told a legal conference here on Oct. 19.

GREENWIRE ARTICLES

No Senate confirmation? No problem

Hannah Northey, E&E News reporter

Published: Thursday, October 19, 2017

Some Trump administration nominees, like U.S. EPA chemicals pick Michael Dourson, already are working at agencies they have been nominated to help lead. Senate Environment and Public Works Committee

This article was updated Oct. 20 at 11:08 a.m. EDT.

President Trump is installing nominees at federal agencies to serve as "advisers" without a stamp of approval from Congress.

U.S. EPA was the latest to grab national attention after it became public that Trump's pick to lead the Office of Chemical Safety and Pollution Prevention, Michael Dourson, was already working there.

And Susan Bodine, the president's choice for assistant administrator of enforcement and compliance assurance, began working at EPA last month as special counsel to EPA Administrator Scott Pruitt on compliance.

But EPA is far from alone.

The Energy Department has hired at least three of Trump's nominees, including former energy lobbyists, lawyers and executives, without the Senate's blessing.

Currently serving as a senior adviser in a "limited capacity" to Energy Secretary Rick Perry is former energy lobbyist Mark Menezes, whom Trump nominated to serve as undersecretary for management and performance.

Also working as an adviser at DOE is David Jonas, Trump's pick to serve as general counsel. Former utility executive Bruce Walker, the nominee for assistant secretary for the Office of Electricity Delivery and Energy Reliability, is also working at DOE, according to the agency's personnel registry made private earlier this year, in an unknown capacity.

To be sure, the practice isn't new — it's been occurring since the 1990s — and laws including the Federal Vacancies Reform Act of 1998 require nominees to remain an arm's length from the program and policy they could one day shape.

But watchdogs say figuring out who's been hired and how influential they may be is the tricky part.

Jeff Hauser, executive director of the Revolving Door Project at the Center for Economic and Policy Research, said agencies often don't announce new hires, leaving the media to lean on the Freedom of Information Act, solid sources or Congress. And if there's no paper trail, it can be difficult to tell how much authority nominees are exerting within the agencies.

"It's very tough to conduct oversight without an organizational chart," he said.

Paul Light, a public policy professor at New York University, has one piece of advice for nominees who head to work before Senate confirmation: Steer clear of your future office.

"They may have no role whatsoever in the development of policies, the pursuit of administrative actions directly related to their job for which they've been nominated," he said. "You can have them down the hall, you can talk to them, but the biggest mistake they are likely to make is to believe they are already in office."

"If they do it," Light added, "they're in trouble."

Joining early?

Why do nominees jump aboard ahead of time?

Perhaps they made a costly and difficult move to Washington or left their job to avoid a conflicting position, Light suggested.

But that's not always the case.

Dourson, for example, said he "accepted a new job" as explanation for leaving his post Oct. 16 with the University of Cincinnati, according to a document obtained by E&E News through an open records request (*E&E Daily*, Oct. 18).

Hauser said many nominees he's tracked initially worked on the transition teams as beachhead members.

Light said about 60 percent of Trump's nominees will end up coming from Washington — with K Street providing the largest source of candidates — as part of a trend that's grown stronger over past years.

With many of Trump's nominees having ties to the industries they will be regulating, calls are growing for greater oversight.

"You want to make it easier for them to say 'yes,' but you don't want to violate the constitutional principle of advise and consent," Light said, "nor are you allowed to violate the hands-off policies embedded in federal statutes and regulations."

The ethics obligations that nominees currently face under the Federal Vacancies Reform Act of 1998, Hauser noted, are a direct response to then-President Clinton's decision to make Bill Lann Lee first assistant to the attorney general in charge of the Department of Justice's civil rights division.

Clinton named him acting assistant attorney general after the Senate declined to confirm Lee in that job.

In March, the Supreme Court found the law bars a president from appointing a person who's been nominated for a Senate-confirmed post to serve on a temporary basis in the same role (*Greenwire*, March 21).

In a 6-2 opinion, the court found the 1998 Federal Vacancies Reform Act bars the acting service of nominated officials except when a person is nominated by the president for reappointment to another term in the same office.

Ethical safeguards

Watchdogs like Hauser are calling for greater transparency at federal agencies about who's hired, under what authority and which ethical restrictions new employees face.

When asked about Dourson's job description and duties, EPA did not immediately respond.

A spokeswoman for DOE said Menezes and Jonas are working "in a limited capacity as limited term [Senior Executive Service] appointees" and neither is fulfilling any duties of the offices for which they await confirmation but did not provide further detail.

One former DOE official said there are safeguards in place to ensure nominees don't cross ethical lines.

Jeff Navin, DOE deputy chief of staff during the Obama administration and co-founder and partner at Boundary Stone Partners, said any nominees who have a conflict of interest are required to report the issue and recuse themselves.

"That applies to political appointees like the secretary, down to any other rank-and-file official," he said. "The ethics office will ensure that the appropriate recusals and protections are in place, and if there are violations, they will be covered under federal ethics statutes."

Light suggested career staff will keep close watch. "I think the civil servants who are right [down] the hall are going to keep an eye out," he said.

While the DOE and EPA nominees raise questions, Hauser said there are more glaring violations in the federal government.

He pointed to Keith Noreika, a former financial industry lawyer who's now a special government employee at the Office of the Comptroller of the Currency while also serving as the agency's head.

Senate Democrats have since asked the Treasury Department's Office of Inspector General to launch an investigation and force Noreika to either step down or become a permanent employee and face more stringent ethics requirements.

"To my knowledge, there's never been a head of a bureau like the Comptroller of the Currency who's a special government employee," he said.

Reporter Corbin Hiar contributed

House watchdogs check records on private flights

Kevin Bogardus, E&E News reporter

Published: Thursday, October 19, 2017

Federal agencies are answering questions on officials' travel for the House Oversight and Government Reform Committee. gopoversight/Instagram

U.S. EPA hasn't fully complied with a document request from House watchdogs on the agency's use of military and private jets.

The House Oversight and Government Reform Committee listed EPA and a dozen other agencies — including the White House, the Defense Department and NASA — for only partially fulfilling the panel's request for records detailing how often their Trump administration political appointees had used noncommercial air travel.

EPA documents show Administrator Scott Pruitt has taken four noncommercial flights, costing more than $58,000 (*Greenwire*, Sept. 28).

Last month, Oversight Chairman Trey Gowdy (R-S.C.) and ranking member Elijah Cummings (D-Md.) sent letters to the White House and 24 agencies asking about their use of military and private jets (*Greenwire*, Sept. 27).

The probe came in the wake of the scandal over former Health and Human Services Secretary Tom Price's frequent travel on charter planes, which ultimately led to his resignation.

Ten agencies have fully complied with the document request, including the departments of Energy and the Interior, according to another list prepared by the committee.

Both Energy Secretary Rick Perry and Interior Secretary Ryan Zinke have taken noncommercial flights as well.

Meanwhile, the departments of Agriculture and Justice haven't complied with the committee's request and have been threatened with a subpoena for the records.

"If you have not complied with the request or satisfactorily provided a good faith commitment for complying in full on or before October 31, 2017, the Chairman intends to issue a subpoena for the materials," Gowdy and Cummings said in a letter sent Tuesday to Agriculture Secretary Sonny Perdue.

The lawmakers also have a follow-up query for agencies, which is to provide the requested records for an earlier time frame of the final year of the Obama administration. They said those additional records will help the committee assess how frequently noncommercial flights have been used and whether new policies and regulations are needed.

CHEMICAL WATCH ARTICLES

Three EU member states start new substance RMOAs

Commission preparing the same for three suspected CMR substances

18 October 2017 / CMRs, Europe, Persistent, bioaccumulative & toxic

The Netherlands, Sweden and France have begun risk management option analyses (RMOAs) of new substances under Echa's public activities coordination tool (PACT), which also assesses hazards.

The Netherlands is assessing indium tin oxide (ITO) because of concerns it has properties that could affect human health and the environment. It is used as a coating in consumer products like mobile phones, solar panels, LCDs and flat panel displays.

Sweden is assessing lead due to its potential carcinogenic, mutagenic and reprotoxic (CMR) properties. The Swedish Chemicals Agency, Kemi, says there are currently 31 lead compounds included in the REACH candidate list, but metallic lead is not present. The assessment in the RMOA leads to the conclusion that there is a need to prepare an Annex XV dossier, with the intention of inclusion of lead metal on the candidate list, and eventually in Annex XIV, it says.

And France is investigating phenanthrene for its suspected persistent, bioaccumulative and toxic (PBT) properties. A polycyclic aromatic hydrocarbon (PAH), phenanthrene is used used to make dyes, plastics, pesticides and explosives.

Commission activity

The European Commission is developing RMOAs for three substances it suspects have CMR qualities. These are:

- 1-methyl-2-pyrrolidone (NMP), used in inks and toners;
- N,N-dimethylacetamide (DMAC), used in the manufacture of laboratory chemicals, textiles, leather and fur; and
- N,N-dimethylformamide; dimethyl formamide (DMF). The substance is used in laboratory chemicals, machinery and vehicles.

Other potential PBTs

Meanwhile, several EU and European Economic Area (EEA) countries are preparing hazard assessments of substances they suspect of having PBT properties. The countries and the chemicals are:

- Belgium: 2,4,6-tri-tert-butylphenol;
- Denmark: diundecyl phthalate, branched and linear;
- Italy: quaternary ammonium compounds, tri-C8-10-alkylmethyl, chlorides;
- Norway: N,N'-ethylenebis(3,4,5,6-tetrabromophthalimide);
- Spain: a mixture of branched and linear C7-C9 alkyl 3-[3-(2H-benzotriazol-2-yl)-5-(1,1-dimethylethyl)-4-hydroxyphenyl]propionates; and a mixture of: N,N'-ethane-1,2-diylbis(decanamide); 12-hydroxy-n-[2-[1-oxydecyl)amino]ethyl]octadecanamide; N,N'-ethane-1,2-diylbis(12-hydroxyoctadecanamide); and
- Sweden: a mixture of: α-3-(3-(2H-benzotriazol-2-yl)-5-tert-butyl-4-hydroxyphenyl)propionyl-ω-hydroxypoly(oxyethylene); α-3-(3-(2H-benzotriazol-2-yl)-5-tert-butyl-4-hydroxyphenyl)propionyl-ω-3-(3-(2H-benzotriazol-2-yl)-5-tert-butyl-4-hydroxyphenyl)propionyl.

The last update to the PACT tool came in August.

Related Articles

- EU Commission notifies WTO of proposed NMP ban
- EU member states begin RMOAs of new substances

Further Information:

- PACT update

Basel, Rotterdam, Stockholm Conventions launch app

18 October 2017 / Global, Persistent organic pollutants

The Basel, Rotterdam and Stockholm (BRS) Conventions have released a mobile app giving information on their meetings and the secretariat. The app also gives quick and easy access to information on the thirteenth meetings of the Chemical Review Committee and the Persistent Organic Pollutants Review Committee.

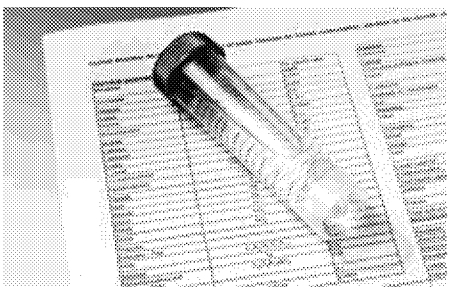
Further Information:

- Further details

Independent EU agency tests needed to assess 'controversial' chemicals

EU ministers say Echa, Efsa evaluations should increase transparency

18 October 2017 / Data, Europe, Substances of concern, Test methods



Three EU member states have suggested that European Commission agencies carry out independent tests on hazardous substances to end "controversies" about evaluation methods and their robustness.

European chemicals legislation gives full responsibility to industry for the products they put on the market. It is on the basis of the studies it provides that health agencies, at European or national level, assess the risks.

This system is "regularly criticised", ministers say, because certain data and studies from industry are not accessible to the public.

Echa and the European Food Safety Authority are unable to finance scientific studies that are complementary, "when, in specific cases, contradictory results or controversies cast doubt on the quality of the expertise provided".

Now, ministers from France, Italy and Luxembourg say a new mechanism of independent tests "in a very limited number of cases" will lead to greater confidence in chemicals assessment and authorisation mechanisms. "It seems essential to strengthen the trust between citizens and decision makers at European level", they said in a paper presented to the EU Council's environment meeting last Friday.

The results of such independent studies could be made public and could be compared with results provided by petitioners, to check for consistency.

This will strengthen the robustness of the system "without compromising the principle of industrial responsibility", the proposal says.

French environment minister, Nicolas Hulot, told last week's meeting that the current approach "shows some shortcomings in the most complex cases". The EU needs to improve its policies, he said, "while maintaining the original principles".

The proposal follows on from the conclusions the Council adopted last year for a "sound management" of chemicals.

Burden of proof

The financing of the additional tests should not come from the Commission or the agencies themselves, but from "other public and private sources", Mr Hulot added.

Carole Dieschbourg, Luxembourg's environment minister, said that the proposal is not intended to "undermine" Echa, but the studies have to be "truly independent". That is why the methodology, credibility and financing of these studies are very important, she added.

The three member states have called for the Commission to initiate a debate in the coming months, with member states and relevant stakeholders.

Karmenu Vella, European commissioner for the environment, said it would look into the proposal, while bearing in mind that the burden of proof "will always remain" on industry.

"I can assure you that improved chemical assessments, as called in your paper, will be looked into, including in the context of the fitness check evaluation of all chemicals legislation except REACH," he said.

Clelia Oziel

Reporter

Related Articles

- Member state ministers tell Commission their key issues for REACH review

Further Information:

- Proposal

California cleaning disclosure bill unites NGOs and industry

State law hailed as 'a model for transparency'

18 October 2017 / Cleaning products, Confidentiality & right-to-know, Labelling, United States

After six months of negotiations, a new law requiring ingredient disclosure for cleaning products sold in California, has met with approval from both industry and NGOs.

Governor Jerry Brown gave final approval to the state's Cleaning Products Right to Know Act (SB258) on 15 October. The law, authored by Senator Ricardo Lara (D-Bell Gardens), is the first in the US to require "chemicals of concern" including fragrance ingredients, to be listed on a product's label.

The American Sustainable Business Council CEO and co-founder, David Levine, said: "It's encouraging that the California governor and legislature are acknowledging, through this action, the hard work that companies – big and small – along with NGO partners contributed to reach a fair compromise on this legislation. This bill creates a model for the nation for transparency in cleaning product labelling."

'Monumental day'

The move was supported by several cleaning products companies that were members of the joint-industry working group that negotiated the bill.

A statement from SC Johnson, which makes the household brands Glade, Pledge, Scrubbing Bubbles and Shout, called the act "groundbreaking legislation".

The company's chairman and CEO, Fisk Johnson, said: "We have been sharing the ingredients in our products with consumers for nearly ten years. Now that the entire industry will be sharing this information, we'll continue to champion the need for greater ingredient transparency and remain committed to going further."

Reckitt Benckiser (RB), which makes the brands Cillit Bang, Dettol, Harpic and Vanish, issued a statement saying the act, and a similar disclosure measure proposed for New York, "sets new standards in ingredient transparency in the US for cleaning products".

Seventh Generation CEO Joey Bergstein, said the act being signed into law marked "a monumental day for the cleaning products industry".

"We've long believed in the consumers' right to know what's in the products they're buying. Nearly ten years ago, Seventh Generation began displaying all of our ingredients on packages, and we've been able to prove that this is not only good for consumers but good for business," he said.

Earth Friendly Products president and CEO, Kelly Vlahakis-Hanks, praised the act for "empowering consumers with the information they need to make informed choices about the products they bring into their homes".

Trade association the American Cleaning Institute (ACI) said in a statement that the final version "does thoughtfully reflect input from the manufacturing community and is improved from the original".

However, it added there were still concerns about the bill's "reliance on lists of scientifically suspect hazard-based lists of chemicals that have not been vetted here in the US and the lack of a designated state agency to properly regulate the law's mandates."

'Huge victory'

The act is the result of months of negotiations with stakeholders, after industry raised concerns about protecting confidential business information (CBI) in the version approved by the Senate on 30 May. A similar measure also failed in 2016.

In key concessions to industry, the final bill allows manufacturers to omit listing ingredients considered CBI. And to qualify, a substance must be included on the TSCA Confidential Inventory or the manufacturer must have claimed protection for it under the Uniform Trade Secrets Act.

Online ingredient listing is required by 1 January 2020, and on-package disclosure by 1 January 2021.

The act was co-sponsored by public health and environmental health advocates Breast Cancer Prevention Partners (BCPP), Environmental Working Group (EWG), Natural Resources Defense Council (NRDC) and Women's Voices for the Earth.

In a blog, WVE director of programmes and policy, Jamie McConnell hailed the law as "a huge victory for our right to know".

"Ten years ago, companies scoffed at us when we asked them to disclose ingredients and said it just wasn't possible," she said.

"Fast forward ten years and these same companies were at the table with us and our partners, hammering out a compromise that would eventually pass both houses in the California legislature and receive the governor's signature."

The law will benefit not just the state, but the whole country, she added, because "what's required in California will move companies toward similar disclosure practices throughout the nation."

Tammy Lovell

Business Reporter

Related Articles

- California passes cleaning product disclosure bill
- SC Johnson reveals 368 potential skin allergens in its products
- Reckitt Benckiser commits to full ingredients transparency by 2020
- New York proposes cleaning product disclosure requirements

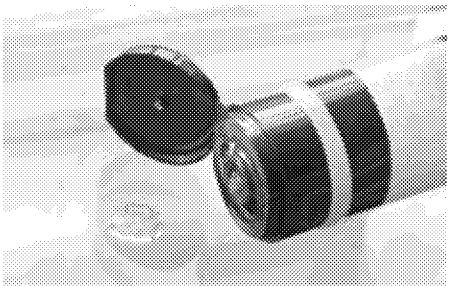
Further Information:

- WVE blog
- American Sustainable Business Council

Trade body questions European Commission over UK microbeads ban

CTPA says cosmetics industry has voluntarily phased out solid microbeads from rinse-off cosmetics

19 October 2017 / Microplastics, Personal care, United Kingdom



UK cosmetics trade association CTPA has asked the European Commission to clarify whether Britain's proposed ban on plastic microbeads in cosmetic products complies with EU law.

The UK government published a draft law last month that will ban the manufacture of rinse-off cosmetics containing microbeads by the end of this year.

Although it says it supports the proposal, CTPA questions whether the UK can, as an EU member, ban both the sale and manufacture of such products.

"It is not clear whether the UK... has such powers when other member states have not themselves introduced a ban on those same products," the trade body says.

"It is a very important matter of principle that any government acts within the law and that any attempt to do otherwise is challenged."

CTPA appealed to the Commission through the Technical Regulation Information System (Tris), an EU mechanism that prevents single market access barriers from being introduced into the internal market by individual member states.

A commenting period on the UK draft legislation ended on 15 October. In it, environment ministry Defra sought evidence of the effect of other sources of microplastics on the marine environment. This could inform future legislative action, it said.

CTPA said that the cosmetics industry has already phased out solid microbeads from rinse-off cosmetics voluntarily, ahead of any legislation.

"The European cosmetics industry has now virtually completed the removal of solid plastic microbeads from cosmetic products and, regardless of the outcome of the investigation by the European Commission, solid plastic microbeads will not be reintroduced into any cosmetic products in the future," said CTPA director-general, Chris Flower.

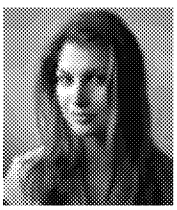
Initiatives elsewhere

While the Commission has taken no steps towards implementing an EU-wide ban on microbeads in cosmetic products, it held a public consultation on policy options to reduce microplastics entering the marine environment. It ended on 16 October.

A report contaitning conclusions and recommendations is expected by the end of the year.

Meanwhile, Belgium has notified its own draft plan to voluntarily phase out microplastics in all consumer products by 2019. The ban would initially apply to cosmetics and toothpaste.

This follows other EU countries that are taking action against microplastics. France will prohibit rinse-off cosmetics containing microplastics from January 2018 and Sweden has proposed to do the same.



Vanessa Zainzinger

Biocides editor

Related Articles

- UK government reveals draft law on microbeads ban
- European Commission opens public consultation on marine microplastics
- Belgium mulls 'total ban' on microplastics in consumer products
- France to ban microplastics in some cosmetics products
- Sweden proposes ban on microbeads in rinse-off cosmetics

Further Information:

- UK draft legislation
- Commission consultation

Amazon, Samsung failing to address hazardous chemicals, says Greenpeace

Apple hailed for good progress in NGO's latest electronics guide

19 October 2017 / Electrical & electronics, United States, Voluntary action

The US arm of Greenpeace has ranked 17 of the world's largest electronics brands on their efforts to address hazardous chemicals in the products they sell.

In its *Guide to greener electronics*, Greenpeace places Amazon and Samsung – along with Chinese companies Xiaomi, Vivo and Oppo – at the bottom of the ranking (see chart below). All but Samsung, which received a D- grade, were rated F. This is largely because they have not phased out brominated flame retardants (BFRs) and polyvinyl chloride (PVC), or publicly disclosed information on their management of chemicals, it says.

According to the guide, companies, including Acer, Apple, Samsung, LG, Lenovo, Dell and Hewlett Packard made commitments in 2009 and 2010 to phase out PVC and BFRs from their products. Today, it said, only Apple and Google are free of BFRs and PVC across their product lines. Apple is at the top of the list with a B grade.

Ranked after Apple with a B-, Dutch-based social enterprise, Fairphone, has phased out PVC entirely and is working on phasing out BFRs and phthalates, according to the guide. Founded in 2013, the company has made good progress in a short time frame, it said.

Regulatory measures are being taken on some brominated flame retardants, such as decaBde and HBCD. Both have been added to Annex A of the UN's Stockholm Convention on persistent organic pollutants, which requires signatories to the treaty to eliminate their production and use. The US EPA has also listed them for "rapid regulatory action" under the reformed TSCA.

In 2015, phthalates DEHP, BBP, DBP and DiBP – used as softeners for PVC – were added to the EU Directive on the restriction of hazardous substances (RoHS2) in electrical and electronic equipment.

Transparency

Lack of transparency and monitoring of workplace chemicals are also highlighted as particular problems in the sector.

"To eliminate hazardous releases to the environment from manufacturing facilities and also to protect worker health and safety, all companies in the guide have work to do to identify and eliminate hazardous chemicals used in the production of their products, improve worker health and safety due diligence, and develop safe substitutions," Greenpeace said.

The guide found that Apple, Dell, Google, HP and Microsoft are the only companies ranked that publish their list of substances that must be restricted in the manufacturing of their devices (MRSL).

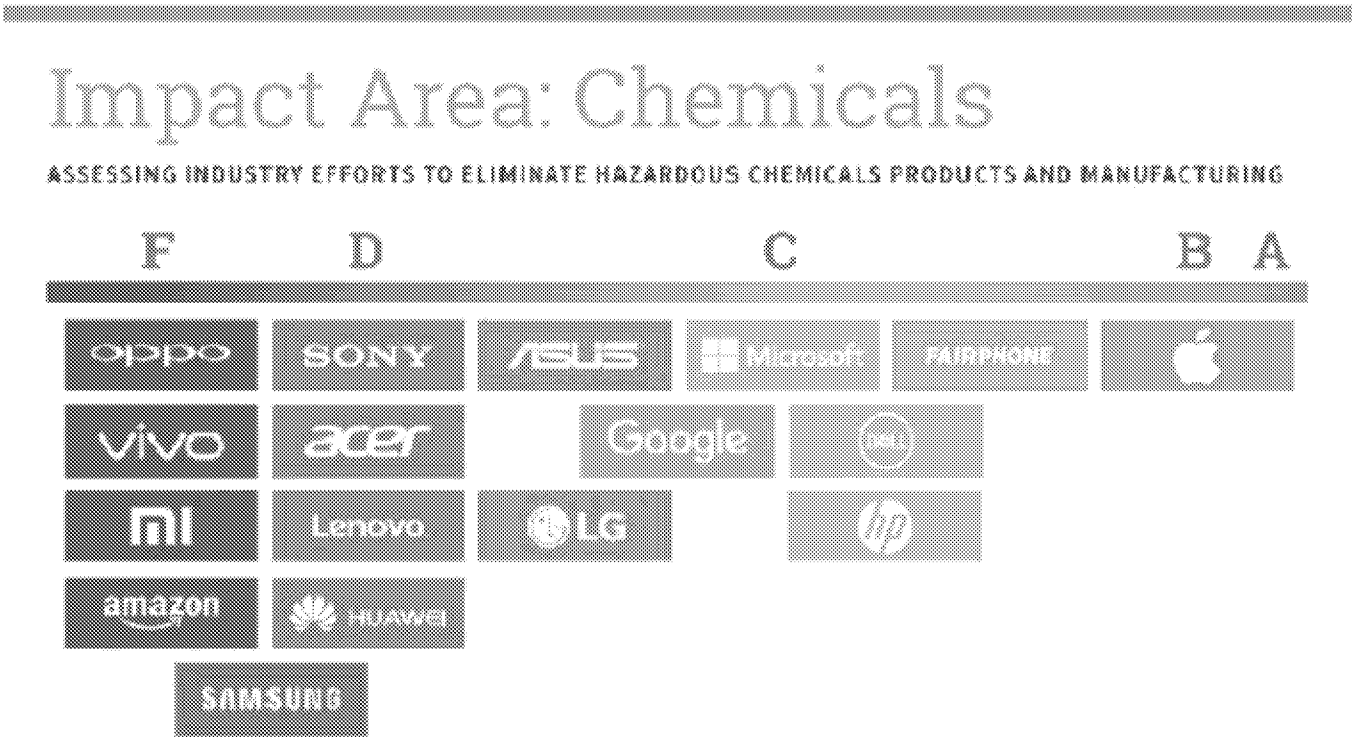
"Across the sector, there is need for follow-through on commitments to product detox as well as greater transparency and ambition in terms of managing process chemicals, including finding safe substitutions" Greenpeace guide

"Across the sector, there is need for follow-through on commitments to product detox as well as greater transparency and ambition in terms of managing process chemicals, including finding safe substitutions," the guide says.

Amazon, Samsung, Xiaomi, Vivo and Oppo did not respond to *Chemical Watch*'s request for comment on the guide by the time of publishing.

Last year, Amazon came bottom of a "report card" – released by US NGO Safer Chemicals Healthy Families – ranking US retailers' actions to eliminate toxic chemicals.

Earlier this month, Greenpeace warned that its 'Detox' campaign efforts could be ruined by a premature circular economy. It said in a report that without eliminating the use and releases of harmful chemicals from production chains, "the circular dream could well become a toxic recirculation nightmare".



Source: Greenpeace

Leigh Stringer

Global Business Editor

Related Articles

- Apple hailed for banning benzene, n-hexane in assembly process
- POPs Convention set to ban two more substances
- Three substances banned under POPs convention
- EPA names TSCA fast-tracked PBTs

- EU Commission adopts RoHS ban on phthalates
- Amazon ranked bottom in retailer chemical 'report card'
- Greenpeace: Premature circular economy threatens Detox campaign

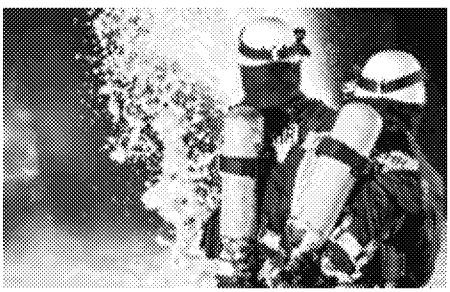
Further Information:

- Greenpeace guide

Australia's defence department regrets three-year delay in PFAS warning

Government faces legal action and enormous clean-up bill

19 October 2017 / Accidents, emergency response & poison centres, Australia, Substances of concern



Australia's defence department has admitted it should have informed the public much earlier about the potential danger of water supplies being contaminated by polyfluorinated substances (PFAS). The bio-accumulative substances were present in fire-repellent foams widely used in Australian military airbases across the country since the 1970s and have been linked with long-term health problems.

Mr Steve Grzeskowiak, the official leading the Department of Defence's response to the scandal, told Australian TV network ABC that the investigation of contamination from 17 airbases across the country when "taken together [is] probably one of the largest if not the largest environmental investigation that's ever happened in Australia". Mr Grzeskowiak said that about US$80m had already been spent on clean-up and that it was likely that many times that amount will be spent in the future.

'About US$80m have already been spent on clean-up and that it was likely that many times that amount will be spent in the future.' Steve Grzeskowiak

In particular, the department only informed residents near a base in Williamtown, New South Wales, in September 2015 about the presence of PFAS in local water supplies, despite an email to the Environmental Protection Authority expressing concern about contamination in May 2012.

Mr Grzeskowiak told ABC's Four Corners programme that the department "should have told the community back in 2012".

In an episode called "Contamination" aired on 9 October, Four Corners showed the 2012 defence department correspondence with the EPA and also cited an internal email stating that the department had "insisted on confidentiality" in a follow-up meeting about the contamination.

The programme also unearthed earlier warnings about PFAS contamination. It cited a consultant's report from 1987 about the Katherine airbase in the Northern Territory, which was to open in 1989. The report argued that run-off containing the foam should be "handled as a toxic waste" and should be prevented from entering groundwater or storm water systems.

And it also interviewed Colin Trinder, a former defence department environmental manager, who produced a report for the department in 2003. This warned that it was likely run-off containing the foam had been contaminating surrounding water systems and that chemicals in it had been "implicated with a variety of cancers and toxic health effects in humans".

The US manufacturer of the foam, 3M, halted production in 2000, following concerns about the health effects of PFAS. The US EPA immediately made a public announcement about the foam and informed the Australian government. Mr Trinder believes, however, that the defence department was unaware because information was not passed onto the right people.

After Mr Trinder's internal report, which was not made public, the defence department decided to phase out the foam, a process finally completed in 2010.

The federal government faces potentially enormous costs from dealing with the scandal. It is contesting two class action lawsuits about the contamination, one based around Willamtown and a second from residents of the Queensland town of Oakey. However, it is considering compensation for people affected, including buying contaminated properties.

The defence department has also invested significant amounts in attempting clean-up of water supplies around Williamtown. Since the beginning of the year, it has treated 900m litres of water using filtration and ion exchange columns.

While the 17 military bases are at the centre of the scandal, PFAS chemicals have also been detected at a total of 70 sites across the country, many of which are civilian fire stations and airports.

Sunny Lee

Asia editor

Related Articles

- PFHxS added to REACH candidate list

Further Information:

- Contamination – ABC Four Corners programme
- ABC News article on the scandal

NGOs urge tighter regulations for microplastics

19 October 2017 / Europe, Microplastics, Personal care

NGO umbrella group Rethink Plastics has called on the European Commission to implement immediate legislative measures to reduce microplastic pollution at the source.

Its calls come after the Commission's public consultation on policy options to reduce microplastics entering the marine environment closed on 16 October.

The group says it wants action on microplastics to be included in the EU plastics strategy, scheduled for December.

Rethink Plastic says united European action is needed to:

- bring consistency to regulations;
- ensure a level playing field; and
- limit the consequences for economies and the environment.

Microplastics are found in personal care and cleaning products, such as toothpaste or exfoliating soap.

Earlier this week, UK cosmetics trade association CTPA asked the Commission to clarify whether Britain's proposed ban on plastic microbeads in cosmetic products complies with EU law.

Related Articles

- European Commission opens public consultation on marine microplastics
- Trade body questions European Commission over UK microbeads ban

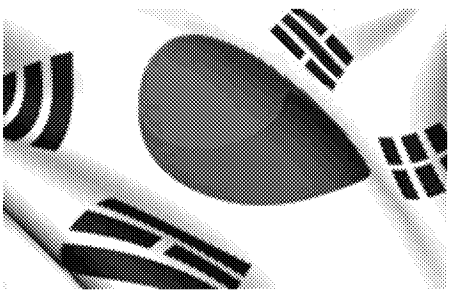
Further Information:

- Rethink Plastics website

South Korea announces major K-REACH support packages

Significant reforms aimed at meeting deadlines

19 October 2017 / K-REACH, South Korea



Four South Korean ministries have announced a major initiative to support K-REACH. Aimed particularly at small and medium enterprises, it covers consulting, test data production and registration assistance.

The reforms come in response to industry concerns about the difficulties and costs of the K-REACH goal of registering all substances used in annual volumes of one tonne or above by 2030. According to the environment ministry (MoE), this is a particular problem for SMEs, which are struggling with the costs of registration and with the expertise required to obtain test data.

The support initiatives were announced, alongside a reduction in data requirements for some substances, in a 22-page press release on 18 October. The four ministries involved are the MoE, and the ministries of Strategy and Finance (MoSF), Trade, Industry and Energy (Motie), and of SMEs and Startups (MSS).

SME support and filling the data gap

The initiative is focused on ensuring economically important substances are registered and that smaller companies get the necessary support.

As an initial step, the government plans to produce a data gap analysis for 7,000 selected substances to see what testing support is required. This will examine existing data both domestically and overseas.

'Whole process support'

From 2018, the government plans a pilot scheme for "whole process support". For substances that are mainly manufactured or imported by SMEs and viewed as economically important, the government will offer to assist complete registration.

Where there is demand, the government, or a government-funded organisation, together with major SMEs will form registration consortia. The government will retain data ownership and it will be made available to participating companies at a low cost.

Testing

The reforms also aim to address the lack of domestic testing facilities. There are 18 designated testing laboratories in the country, but only three have the capacity to conduct inhalation toxicity and environmental hazardous testing. According to the reform plan, lack of commercial viability caused a shortage of these facilities.

Other support

The government announced a number of other initiatives to support K-REACH. These include improving consultancy services, providing necessary IT systems and developing education and training support.

The government said it plans to take action on the quantity and the quality of K-REACH consulting services. There are concerns especially about the latter's ability to coordinate and negotiate with overseas data owners. The government is expected to publish guidelines by the end of 2018, which will include standard contracts, and models for working scope and methods.

More on this on CW+AsiaHub

Sunny Lee

Asia editor

Related Articles

- South Korean business group hits out at registration costs
- South Korean ministry gives details of K-REACH timetable, support
- South Korean officials visit Europe to discuss data sharing
- Major K-REACH support packages announced

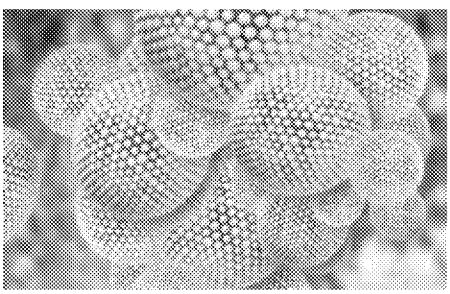
Further Information:

- MoE announcement (in Korean)

Rac: titanium dioxide carcinogenicity applies to other particles

Size and shape, as well as solubility, are 'intrinsic properties'

19 October 2017 / Alternative approaches to testing, Classification, Classification, labelling and packaging Regulation, Europe, Nanomaterials



The titanium dioxide carcinogenicity profile applies to other substances with low solubility and toxicity, and that can be solid particles, according to an Echa science committee.

In its Opinion on the carcinogenicity of titanium dioxide, Echa's Risk Assessment Committee (Rac) says that the profile is "not exclusively characteristic" for the substance. Instead it applies to a group of substances that can be "poorly soluble, low toxicity" (PSLT) particles.

Industry had argued that titanium dioxide should not be classified as carcinogenic because the proposed mechanism of toxicity is not related to the chemistry of the substance. Instead, the toxic effect is caused by physical characteristics, namely the size and shape of the particles and the poor solubility.

The same physical characteristics are common to many substances, industry had said. Therefore it would be inappropriate to use them as the basis for classifying any one particular substance.

But Rac says such physical characteristics are "intrinsic properties" as defined in EU classification, labelling and packaging guidance. Therefore they are relevant to the classification of a specific substance, in this case titanium dioxide. Equally, they would be relevant to the classification of other PSLT particle substances.

Asked what bearing this Opinion could have on such classification, Echa told *Chemical Watch* that it follows the same procedure, with the same steps, for every harmonised classification proposal submitted, "and they are all treated as individual cases". It added: "Rac assesses each proposal for harmonised classification, of any substance, on its own merits, and at the end of the process Echa provides an independent scientific opinion for the Commission's decision making".

Rac concludes that titanium dioxide warrants a category 2 classification for carcinogenicity. A French proposal had argued for a category 1B classification, while industry argued that no classification was required.

The classification recommended by Rac is non-standard in several ways.

Generally classifications cover all exposure routes. But Rac says that the titanium dioxide classification should cover only exposure by inhalation. This would be to account for the absence of any experimental evidence that the substance is carcinogenic via oral or dermal exposure. "Based on the data available today, Rac considers it conclusively proven that no other route of exposure causes the carcinogenicity hazard," Rac said.

Furthermore, the classification explicitly excludes forms of the substance fulfilling certain fibre criteria from the World Health Organization, as well as forms with surface coatings. Rac says that such forms must be evaluated to determine whether the category should be higher and other routes of exposure included.

Grouping nanomaterials

Last month, the EU-funded NanoReg project reported that engineered nanomaterials (ENMs) could be grouped according to their potential to cause inflammation. Kunal Bhattacharya at Stockholm's Karolinska Institute led the research, which focused on immune cells.

They found that ENMs can cause inflammation without being cytotoxic. Multi-walled carbon nanotubes, zinc oxide, silver and silicon dioxide were most toxic to cells.

Single-walled carbon nanotubes, titanium dioxide, barium sulfate and cerium dioxide nanomaterials were not cytotoxic but caused inflammation.

"While the present results alone cannot be used for risk assessment of ENM effects, these studies nevertheless represent a first step towards grouping of ENMs on the basis of their inflammogenic potential," the research concludes.

Andrew Turley

Risk management editor

Related Articles

- Rac opinion makes candidate list unlikely for titanium dioxide
- Karolinksa study groups nanomaterials by inflammation potential

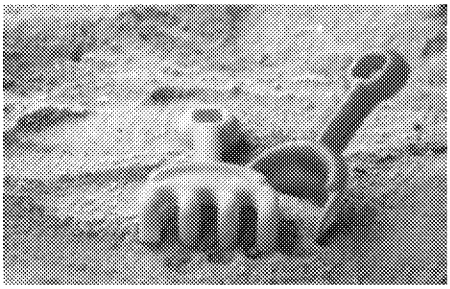
Further Information:

- Opinion

US CPSC votes to ban phthalates in children's products

Republican commissioner announces resignation

19 October 2017 / Phthalates, United States



The US Consumer Products Safety Commission voted 3-2 to finalise a regulation banning five phthalates in children's products on 18 October, despite the Republican commissioners' arguments that the decision was not sufficiently supported by research.

And Republican Commissioner Joseph Mohorovic announced that he was leaving the CPSC in the middle of his term, which may leave Democrats in control longer than expected.

The commission issued a proposed rule in late 2014 to ban five phthalates in toys, and various other children's products, at levels greater than 0.1%. These are:

- diisobutyl phthalate (DIBP);
- di-n-pentyl phthalate (DnPP or DPENP);
- di-n-hexyl phthalate (DnHP or DHEXP);
- dicyclohexyl phthalate (DCHP); and
- diisononyl phthalate (DINP).

The rule expands an interim ban on DINP – which had applied only to toys that can be placed in the mouth – to all toys. It lifts interim bans on two phthalates, DNOP and DIDP, which the commission staff concluded have not been shown to have the antiandrogenic effects that the rule addresses.

DEHP, BBP and DBP were already banned above *de minimis* levels in children's products.

The CPSC agreed to vote on a final rule by 18 October to settle a lawsuit brought by NGOs.

DINP ban questioned

Discussion focused on DINP, as it had in a hearing the previous week.

"I believe we should have lifted the interim prohibition on DINP," said the commission's chairman, Ann Marie Buerkle (R).

She said the proposal was based on data concerning "a few individual women", and ignores trends in the most recent research. The rationale for expanding the DINP ban "amounts to nothing more than the observation that a child's exposure to phthalates can also result from handling or licking toys rather than placing in the mouth," she said.

Ms Buerkle added that while she disagrees with the conclusion, the reasoning behind it is superior to that underpinning the commission's decision in September to move toward a ban on organohalogen flame retardants in certain consumer products.

"There are similarities between phthalates" but the researchers examining the substances "did not treat them all the same", Ms Buerkle said.

Commissioner Robert Adler (D) said the approaches are similar in that they take aim at a class of substances to guard against "regrettable substitution". While DINP may be less toxic than some other phthalates, he said, it had become a popular alternative to its more toxic cousins.

"Merely because there is a reduced risk doesn't mean there is no risk," Mr Adler said.

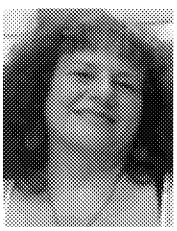
Partisan balance shifting

After the vote, Mr Mohorovic announced that he is resigning, effective from 20 October. He will join the law firm Dentons, which focuses on consumer product regulation.

The Trump administration announced in September that it will nominate Dana Baiocco, a Boston-based product liability defence lawyer, to a seven-year term when the term of Commissioner Marietta Robinson (D) expires this month.

By law, the five-member CPSC cannot have more than three commissioners of the same party, but Ms Robinson can continue to serve until she is replaced. Mr Mohorovic's departure will leave Democrats with a 3-1 majority until confirmation processes – which congressional Democrats can opt to delay with procedural manoeuvres – run their course.

"It is my hope that the new [Republican] majority will resist the temptation to do unto others as has been done to them," Mr Mohorovic said, after offering effusive praise for Democrats who had been his colleagues. "Hyperpartisanship is disastrous for public policy," he said.



Julie A Miller

North American Desk Editor

Related Articles

- US agency proposes ban on phthalates in toys
- NGOs file lawsuit against CPSC over phthalate rule
- US CPSC likely to approve phthalates ban despite data concerns

- US CPSC moves to ban organohalogen flame retardants
- Trump nominates product liability defence lawyer to US CPSC vacancy

Further Information:

- Briefing package on phthalate ban

Retailer H&M is first downstream company to join ChemSec Marketplace

NGO says platform increases visibility of safer chemicals in the textile sector

19 October 2017 / Alternatives assessment & substitution, Europe, Retail, Textiles & apparel

Fashion retailer H&M is the first downstream company to sign up to NGO ChemSec's online marketplace for safer alternatives.

The platform, launched in May, allows chemical manufacturers to advertise safer alternatives, allowing downstream users and brands to search for and buy substances.

Demand for the site originally came from the NGO's business group, which H&M are a member of, along with companies such as Apple, B&Q, Boots and Ikea.

Promising alternatives

H&M placed an advertisement on Chemsec's platform, searching for bisphenol free thermal paper that "does not contain the same hazardous properties from a health and environmental perspective".

Anna Biverstal of H&M, told *Chemical Watch* there were "promising alternatives" posted on the marketplace, which the company plans to follow up.

She said: "It's not always easy to find alternatives to those chemicals that you want to phase out."

It can be difficult, she added, to even know where to start looking. "I think the marketplace is a great initiative and tool that would make the search for alternatives, and connect to those providing the alternatives, much easier."

Other benefits of the site, she said, include the ability to search for alternatives and search by sector.

She said the marketplace allows downstream and upstream users of chemicals to communicate. "It also makes it possible to publish a request for an alternative that might not exist today, which means a request for innovation."

However, when using the site, downstream companies have to decide for themselves whether it is a good alternative, she added.

"You need to have knowledge of the different certifications and assessment methods to be able to make a decision."

The site could be instrumental in helping reduce hazardous chemicals used in the textile industry, she said.

Detox aims

The Marketplace also fits with H&M's commitment to Greenpeace's Detox campaign goals to reduce hazardous chemicals by 2020, alongside industry-wide schemes like Zero Discharge of Hazardous Chemicals (ZDHC).

Ms Biverstal said that companies committed to Detox and ZDHC would have the opportunity to find possible alternatives to chemicals that need to be phased out from the textile supply chain.

ChemSec communications manager, Peter Pierrou told *Chemical Watch* that very little effort has been made so far in in engaging downstream users in the Marketplace project, instead the NGO has focused solely on getting chemical providers on board. "The fact that H&M are on the Marketplace already is actually more than we expected as of now," he said.

Chemsec is planning a bigger push towards downstream users but is focusing first on filling the Marketplace with more adverts from suppliers.

Mr Pierrou said: "We know that downstream users are frequenting the Marketplace already, browsing through the ads looking for safer alternatives. But they do so in the same manner that you and I would do when we go online shopping, without openly stating that they are looking for something."

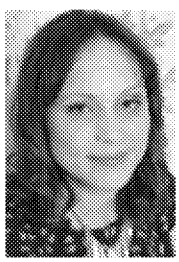
Textiles

Several large chemical suppliers in the textile sector have joined the Marketplace initiative including Huntsman, DyStar and Chemours. They are advertising alternatives that fulfil industry standards like Bluesign, the Global Organic Textiles Standard (GOTS) and the ZDHC Manufacturing Restricted Substances List (MRSL) to replace problematic chemicals, such as PFCs and chrome dyes.

According to Chemsec senior toxicologist, Anna Lennquist, textile brands understand the urgency of substituting hazardous chemicals.

She said: "I can instantly spot a number of potential game-changers among the new Marketplace ads, as several of them present alternatives to 'politically hot' chemicals – all of which pose serious threats to human health and the environment."

Franz Gruener, global marketing manager at Huntsman Textile Effects, said: "The opportunity to share our newest developments helps us to reach potential customers, who realise the need to implement chemical legislation in their day-to-day operations," he said.



Tammy Lovell

Business Reporter

Related Articles

- ChemSec launches online marketplace for safer alternatives
- Zara, H&M and Benetton 'on track' to meet detox commitments
- Hugo Boss commits to zero discharge of hazardous chemicals

Further Information:

- ChemSec press release

US EPA issues 'not likely to present unreasonable risk' finding

Agency received 85 PMNs in June and July

19 October 2017 / TSCA, United States

The US EPA has issued a "not likely to present unreasonable risk" finding for a polymer, ruling on a pre-manufacture notice (PMN) under TSCA section 5(a)(3)(C.

It is the first such determination since the EPA announced on 7 August that it had met its commitment to reduce the number of pre-manufacture notices (PMNs) under review to 300. The agency also resolved 38 more PMNs by issuing 37 significant new use rules (Snurs) in September and one in October.

The PMN on generic terephtalic acid and alcohol ester polymer hydroxy glycol and 2-Ethylhexyl alcohol was submitted on 4 October 2016. The determination, made on 26 September, carried a polymer exemption flag. This requires that it be manufactured to meet the exemption criteria.

The EPA announced on 27 September that it received 49 new PMNs in July and 36 in June. In 54 of those 85 cases, the name of the manufacturer or importer was withheld as confidential business information (CBI).

It received 22 in May and 58 in April.

Notices of commencement (NOCs) were down to 17 in June and 20 in July, compared with 115 in May and 152 in April.

The EPA is accepting comments on the June and July submissions until 27 October.

Related Articles

- US EPA announces end of PMN backlog
- US EPA issues Snurs for 37 chemical substances
- US EPA finalises Snur on carbon nanotubes

Further Information:

- July submissions
- June submissions

- PMN determination

Echa round-up

19 October 2017 / Classification, Europe, Labelling, Substance registration

CLH intentions

Echa has received new intentions to harmonise the classification and labelling (CLH) of four chemicals from Germany. They are:

- melamine;
- 2,4,6-triisopropyl-m-phenylene diisocyanate;
- 3-aminomethyl-3,5,5-trimethylcyclohexylamine; and
- methyl-1H-benzotriazole.

Submitted CLH proposal

The agency has received a CLH proposal for 1,2,4-triazole from Belgium. It proposes a future entry in Annex VI of the CLP Regulation of acute toxicity 4, H302, eye irritation 2, H319 and reproductive toxicity 1B, H360FD.

Setac Europe conference case studies

Echa is seeking abstracts, presentations and posters on the topics it will be presenting at the Society of Environmental Toxicology and Chemistry (Setac) Europe conference. These are:

- environmental exposure assessment;
- integrating higher-tier solutions;
- endocrine disruptors;
- substitution;
- nanomaterials; and
- examining the interface between statistical significance and biological relevance for toxicity.

The deadline for submission of abstracts is 29 November. The conference will be taking place in Rome from 13-17 May next year.

OELs consultation

The agency has started a public consultation on scientific evaluation of occupational exposure limits (OELs) for acrylonitrile, benzene and nickel. The consultation period started last week. The acrylonitrile consultation closes on 10 November. The other consultations close on 7 November.

CLH consultation

Echa has started a public consultation on the harmonised classification and labelling (CLH) of geraniol, citral and 2-butoxyethanol. The consultations close on 1 December.

Guidance document: registering complex inorganic coloured pigments

The agency has contributed to a new guidance document on the registration of complex inorganic coloured pigments. The document was coordinated by Eurocolour, a sector group of Cefic and the umbrella organisation for manufacturers of pigments, dyes and fillers in Europe. It has been written to help companies with substance identification.

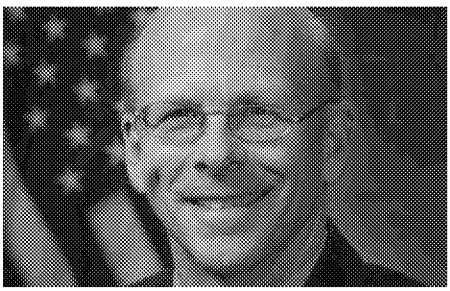
Further Information:

- CLH intentions
- CLH proposal
- Echa's sessions at Setac conference
- OELs consultation
- CLH consultation
- Guidance document

CW US summit: Stakeholders see long-term success for LCSA

Next actions expected on new chemicals programme and testing

19 October 2017 / New TSCA/LCSA, Occupational hygiene, Test/non test methods, United States



Several speakers at Chemical Watch's US Regulatory Summit have said they are optimistic for the success of the Lautenberg Chemical Safety Act (LCSA). But they felt it would take years, if not decades to achieve its aims.

The reformed version of the Toxic Substances Control Act, which passed into law mid 2016, has managed to reach most of its key deadlines for rulemaking so far. However, concerns have been voiced regarding continued progress under the Trump administration.

Jim Jones (pictured), executive vice president of strategic alliances and industry relations for the Consumer Specialty Products Association (CSPA), who previously led the US EPA's toxics programme, said: "I have been consistently optimistic about the prospect of this law." He said time will be the true test of its success, but from his many years of experience working with environmental statutes, he is fairly confident of the Lautenberg Act because it is well written, and includes robust safety standards and deadlines.

He noted a disconnect between federal and "retailer regulation", with companies, including Walmart, Target and CVS, forging ahead with various hazard-based schemes to remove chemicals of concern from products on their store shelves. He added that it is yet unclear, what these companies would do if suppliers did not conform to their chemical safety programmes.

Mr Jones also said robust regulatory activity continued at state level.

Jeff Morris, office director of the US EPA's Office of Pollution Prevention and Toxics (Oppts), said the agency is working with stakeholders "day-in and day-out, to get this business done ... and make this statute successful".

And Richard Denison, lead senior scientist, Environmental Defense Fund, said implementation of the LCSA "started strong, but had come off the rails". He is particularly concerned about nominations to the Oppts and transparency. However, he is still hopeful that in the long run the reformed law would result in significant improvement.

He accused industry – which supported the passage of the reformed law – of currently "grabbing everything it can".

Nicholas Ashford, professor of policy and direction of the technology and law programme at MIT, is similarly concerned. He asked: "Is the chemical industry ethical when it comes to public health?"

Dimitri Karakitsos, partner with the law firm Holland & Knight, who as a Republican staffer worked on the LCSA, said: "Despite the divisiveness we have in our government today, we are in such a better place with regards to this law."

New chemicals programme

Greg Schweer, chief of the new chemicals management branch at the US EPA, announced that the agency will hold a stakeholder meeting in December, to discuss a document it is drafting around improvements to the new chemicals programme. A *Federal Register* notice is expected in the next couple of weeks. The draft document will be circulated ahead of the meeting.

The agency intends to improve communication and consultation through the pre-manufacturing notice (PMN) process. Mr Schweer provided details of what information companies should submit with their PMNs (Chemical Risk Manager will run a story on this next week).

Non-animal testing strategy

As mandated under LSCA, the EPA is preparing a strategy on how it will develop and use non-animal test methods. Mr Morris said this entails bringing 21st century approaches to testing into the regulatory decision space so that scientific information could be gathered faster, better and cheaper, avoiding the use of animals. And that information can be used to provide better public health.

The agency will start stakeholder engagement next month, and plans a draft strategy by early next year. The final strategy has to be published in June 2018.

Susceptible populations

The agency is also moving forward in the area of susceptible populations. Here, Mr Morris said that the focus is on workers. The EPA has been in discussions with Osha and Niosh; a particular target is consistency between evaluations done under reformed TSCA and occupational safety and health programmes.

Emma Chynoweth

Chief Customer Officer

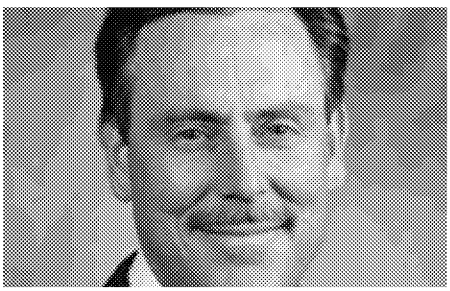
Further Information:

- Summit

US committee delays vote on Dourson nomination

Senators threaten to hold up EPA nominations over biofuel programme

19 October 2017 / United States



The US Senate Environment and Public Works Committee has postponed a scheduled vote on nominees for several EPA positions, including the nomination of Michael Dourson to head the Office of Chemical Safety and Pollution Prevention.

The committee's leadership did not say why they cancelled the vote on 17 October, the night before it was scheduled, but the move ignited speculation on what was happening behind the scenes.

Senator Tammy Duckworth (Democrat, Illinois) said on 18 October that she had placed a hold on the nominations of Dr Dourson and Bill Wehrum, who was named to lead the EPA's air and radiation office.

Senate rules allow any senator to block a nomination or bill from coming to a floor vote. It would take 60 votes, more than Republicans have, to overcome a hold, unless the Senate leadership finds a way to alter the rules.

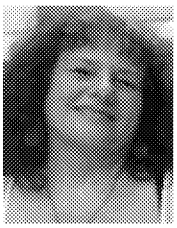
However, potential Republican opposition could be a sign of an even greater roadblock for the nominees. The environment panel is divided 11-10 and it would only take one defection to defeat a nomination.

Senator Chuck Grassley (Republican, Iowa) told reporters this week that senators from midwestern corn-growing states might hold up EPA nominations over the Trump administration's proposal to reduce the amount of biofuel that gets mixed into gasoline and diesel. The most obvious target would be Wehrum, as the air office oversees the renewable fuel standard programme.

After a meeting on 17 October with a group of such senators, Senator Joni Ernst (Republican, Iowa), who sits on the environment committee, issued a statement that pointedly included no indication of how she would vote on the Wehrum nomination.

Also on 17 October, environmental advocates released a letter signed by more than 50 public health scientists from dozens of universities voicing their strong opposition to the Dourson nomination, saying that "Dr Dourson has built a career of abusing science to mischaracterise real-world chemical risks".

Environmental groups have campaigned against Dr Dourson's nomination since it was announced in July. Democrats on the committee sharply attacked his work for chemical industry clients hearing on October 4.



Julie A Miller

North American Desk Editor

Related Articles

- Trump names nominee to head US EPA chemicals office
- Democrats attack Dourson's chemical industry ties at EPA nomination hearing

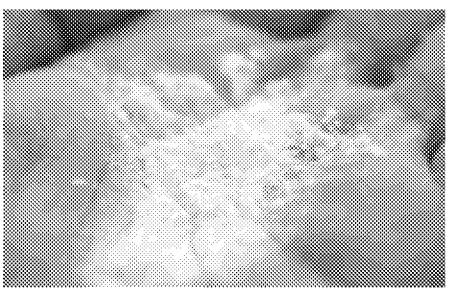
Further Information:

- NGO letter on Dourson appointment

Missouri court reverses Johnson & Johnson talc verdict

Decision over out-of-state injury claims could affect other cases

19 October 2017 / Legal cases, North America, Personal care



Johnson & Johnson has won the reversal of a $72m verdict in damages it was ordered to pay in its ongoing legal battle over talc.

The 2016 verdict had been the first loss dealt to the consumer products conglomerate by a St Louis Missouri court. It concerned the family of Alabama resident Jacqueline Fox who claimed her death from ovarian cancer was linked to use of the company's talc-containing products.

The Missouri Court of Appeals, Eastern District reversed the $72m verdict because it says the case should not have been tried in St Louis.

A Supreme Court ruling in the matter of Bristol-Myers Squibb v Superior Court of California found that state courts have limited authority to hear claims against companies that aren't based within the jurisdiction, when the injuries did not occur there.

In light of this decision, the St Louis court declared a mistrial in the talc trial, this summer.

The Missouri appellate panel cited the Supreme Court decision in its ruling. Ms Fox, who died four months before trial, was one of 65 plaintiffs in her specific lawsuit. Only two of them were Missouri residents.

The cases of Fox and other plaintiffs from outside the state were joined with those of plaintiffs from Missouri, though each case resulting in a verdict has been tried individually.

"The fact that resident plaintiffs sustained similar injuries does not support specific jurisdiction as to non-resident claims," Judge Lisa Van Amburg wrote.

Businesses have long decried the practice of plaintiffs 'venue shopping' for courts more favourable to injury claims.

Johnson & Johnson has been ordered to pay $110m, $70m and $55m in three other cases – some with non-resident plaintiffs – heard in a St Louis court. And, in August, a California jury handed the company its largest loss by far, ordering it to pay $417m in damages.

The company has appealed all decisions and says it expects further legal victories.

"We're pleased with the opinion of the Missouri court (...). In the cases involving non-resident plaintiffs who sued in the state of Missouri, we consistently argued that there was no jurisdiction and we expect the existing verdicts that we are appealing to be reversed," it said in a statement.

Ted Meadows, a lawyer for the plaintiffs, told Reuters the ruling "represents a denial of justice for the Fox family". He said the family was considering an appeal.

Johnson & Johnson faces lawsuits from another 4,800 plaintiffs nationally who assert similar claims over its talc-based products. And it may also face a suit in the EU, pending the outcome of US trials.

Meanwhile, the FDA has begun a study exploring the potential link between talc in cosmetics and cancer. Results are not expected for a few years.

Related Articles

- Johnson & Johnson to pay $72m in damages in talc suit
- Mistrial declared in latest Johnson & Johnson talc case
- Johnson & Johnson to pay $110m in latest talcum powder lawsuit
- Jury awards $70m in latest Johnson & Johnson talc ruling

- Johnson & Johnson to pay $55m in second talc ruling
- California talc trial jury slaps $417m verdict on J&J
- Johnson & Johnson faces potential European talc-cancer case
- US FDA to research ovarian cancer, talc link

Further Information:

- Court ruling

Reduced data requirements announced for South Korea's K-REACH

Simplified dossier will apply for non hazardous substances

19 October 2017 / Chemical manufacturing, Data, K-REACH, Priority substances, South Korea, Substance registration

South Korea's environment ministry announced significantly reduced registration data requirements for substances currently classed as "non-hazardous" under the UN globally harmonised system (GHS) classification from June 2018.

The move comes as a response to appeals from industry to lessen the burdens of registration. The government has accepted the industry case that requiring the same test data indiscriminately, regardless of a substance's currently understood hazardousness, does not make sense.

Reduced data requirements for a number of substances – or what the government calls "dualising" the data submission based on hazardousness – will come into effect from June 2018. Lower requirements in the form of a simplified dossier will apply for substances which are not classed as hazardous under the GHS classification and labelling standards. Under the proposals, the number of tests results required to support data submission for these substances will be reduced from 47 to 15.

'Dualising' the data submission based on hazardousness will come into effect from June 2018.

Temporary intermediate products

Lower requirements will also apply for chemicals that only appear as temporary intermediate products during the manufacture of other products. When occurring in annual volumes of under 1,000 tonnes no tests will be required for these substances, and when occurring in volumes of 1000 tonnes or over, the simplified dossier backed by 15 sets of test data will apply.

The changes also include "cluster registration" for substances with similar properties which can be treated as single substances from June 2018. This follows examples from the OECD and EU where some metallic compounds have been grouped together.

Data requirements for the ongoing registration of 510 Priority Existing Chemicals (PECS) will be unaffected by these changes as the deadline for PECS registration is June 2018.

The changes were announced on 18 October together with a package of government support for K-REACH.

More on this on CW+AsiaHub

Sunny Lee

Asia editor

Related Articles

- South Korea announces measures to ease K-REACH registration
- South Korea priority existing chemicals registration update
- South Korea announces major K-REACH support packages
- Reduced data requirements announced for South Korea's K-REACH

Further Information:

- MoE announcement (in Korean)

Hazard versus risk

The difference between alternative ways of managing chemicals is actually not that large

Global Business Briefing, October 2007

The concepts of hazard and risk are sometimes portrayed as two opposing approaches to managing chemicals. But if we take a closer look at how hazard assessment is actually done and how its results are used to manage risks, the differences become much smaller and we find that, in effect, they are based on the very same principles.

The EU has an extensive set of legislation controlling chemicals. Excluding pharmaceuticals and veterinary products, the set starts with the basic regulations on industrial chemicals, plant protection products and biocides. They lay out the marketing and use conditions for these three types of chemicals.

The regulations have similar approaches: before a chemical is allowed on the market or to be used, information on its hazards and uses must be generated. Authorities assess the information before granting market access (or not).

Alongside the three basic regulations, the classification, labelling and packaging (CLP) Regulation, which implements the UN Globally Harmonised System (GHS) into EU law, sets harmonised rules for how to classify and label the hazardous properties of industrial chemicals, plant protection products and biocides.

The application of the CLP rules forms an integral part of the authorities' decision on market access. Furthermore, productspecific regulations, covering, for example, cosmetics, toys and electronic equipment, form a second layer of legislation setting particular conditions for chemicals in those products.

Finally, there are regulations and directives affecting chemicals, for example concerning chemical accidents, water, ecolabelling or industrial emissions, and adding conditions on the manufacture, marketing and use of chemicals.

Alternative approaches

The legislation uses the two approaches to managing chemicals which are often referred to as 'hazard-based' and 'riskbased'. It is the risk-based approach which is usually applied, but for particularly hazardous substances the hazard-based approach is used.

Much of the hazard assessment is carried out under the CLP Regulation, whereas the risk management decisions (resulting from the hazard assessment) are taken under the other legislation. As an example, when a substance receives a harmonised classification as 'reproductive toxic category 1B' under the CLP Regulation, REACH would restrict the consumer use of the substance as such or in mixtures.

On the surface, this approach may look like an unscientific, politically driven shortcut to remove chemicals from the market which cause no risk. Of course, there is clearly a political decision involved, but it is based on a consideration of the risks. This consideration begins with the test methods and the classification criteria, but also includes exposure, the potential risk and the possibilities of substitution.

Both the test methods for reproductive toxicity and the criteria for classification set an upper limit for testing and classifying a substance for reproductive toxicity through the oral route at 1,000 mg/kg of bodyweight/day. This corresponds to a value somewhere between 50 and 100g/day for most adults, but down to 2-4g for most newly born babies.

CLP also sets the condition that classification should not occur if the reproductive effect is secondary to another effect. This is because, when the test methods and the criteria were developed, it was recognised that at some point the exposure gets unrealistically high and therefore an upper limit is needed.

Where the poison is

This, in turn, is a reflection of Paracelsus' often quoted adage that "All things are poison and nothing is without poison; only the dose makes a thing not a poison", but it also reflects how our testing and classification system was developed through considering risk in the 1970s and 1980s.

This example is valid for the entire range of test methods and criteria that are now in use in the EU. In the law which predates the CLP Regulation, the dangerous substances Directive (67/548/ EEC), it is stated explicitly that the criteria reflect risks which could arise from the normal handling and use of substances.

The consumer use restriction in the EU under REACH - which is itself a continuation of the former Directive on restrictions on the marketing and use of certain dangerous substances and preparations (76/769/EEC) - is built on this line of thought. Today the EU has 500 million citizens who, in principle, can come into contact with chemicals.

It is therefore difficult to predict consumer exposures accurately because of the number of people potentially affected, including those who are vulnerable, such as children, and the wide variety of ways in which they may use the substance.

There is reasonable certainty that at least some consumers will be exposed to a reprotoxic substance. It is this situation, namely a reasonable assurance of consumer exposure to a category 1 reprotoxic substance, which triggers the policy decision to avoid such risks by banning the substance for consumer uses.

In taking the decision, the economic impact can also be reasoned. Consumers are not interested in the reprotoxic substance per se, but rather in the function of the product containing the substance. As most consumer mixtures have multiple competing products, it is possible, if not likely, that alternative products exist which do not contain the reprotoxic substance.

And, if there are no alternative products, our free market economy is based on the principle that if there is a demand the supply will follow soon. So the market will adapt to the policy decision as long as sufficient time is given before the ban takes effect.

'Generic risk-based' approach

This was the reasoning that led the European Commission to introduce the concept of a 'generic risk-based' approach to risk management rather than a hazardbased' one, in the roadmap for the fitness check of all chemicals legislation, except REACH. The risk management following from the hazard assessment is in fact based on generic risk assessment considerations concerning exposure.

The EU's generic risk-based approach is not exclusive to it. Both the test methods and the classification system we use are international standards, the former based on OECD test guidelines and the latter on the UN GHS. So internationally, the concept of needing an upper limit in order to be relevant to possible risks is well established.

The GHS itself is, in fact, a generic riskbased approach: if a substance itself or in a mixture has a specific hazard, it should be communicated to the users so as to alert them to possible risks arising from the use. This helps them manage the risks, for example by wearing gloves for skin irritant substances. Another international example is the OECD standards for risk management of chemical accidents.

In conclusion, the 'hazard-based' and the 'risk-based' approaches are both based on risk. When the exposure is certain, the 'hazard-based' approach stops at the classification – because the risk is likely. This is why we have started to use the term 'generic risk-based' approach.

So, rather than being conflicting, they represent two complementary ways of managing chemicals. Which approach to choose is a policy decision, but both offer a well-informed basis for the decisions needed when and where risks arise – for the safety of our people and the environment.

From 1 January 2018, the author will leave the European Commission and take over from Geert Dancet as executive director of Echa. The views expressed in this article are those of the author and are not necessarily shared by Chemical Watch

Botswana notifies WTO of chemical limits in toys

20 October 2017 / Africa & Middle East, Children's products

Botswana has notified the WTO of plans to adopt an ISO standard on chemical limits in toys.

ISO 8124- 3:2010 Safety of toys – Part 3 specifies the maximum acceptable levels and methods of sampling and extraction prior to analysis for the migration from materials and parts of toys of: antimony; arsenic; barium; cadmium; chromium; lead; mercury; and selenium.

The standard includes the following toy materials:

- coatings of paints, varnishes, lacquers, printing inks, polymers and similar;
- polymeric and similar materials;
- paper and paperboard;
- natural, artificial or synthetic textiles;
- glass/ceramic/metallic materials, excepting lead solder when used for electrical connections;
- materials intended to leave a trace (for example graphite in pencils and liquid ink in pens);
- pliable modelling materials; and
- paints to be used as such in the toy.

And the toys they apply to are:

- all intended food and oral contact toys, cosmetic toys and writing instruments categorized as toys;
- all toys intended for or suitable for children up to 72 months of age;
- accessible coatings, irrespective of any age grading or recommended age labelling; and
- accessible liquids, pastes, gels.

The proposed date for adoption, entry into force and final date for comments is 27 November.

Further Information:

- WTO notification

OTHER ARTICLES

Toxic Toys? After Nine Years, a Ban on Harmful Chemicals Becomes Official

Natural Resources Defense Council

Phthalates are a particularly harmful type of chemical, used, among a range of other ways, to soften plastic in children's toys and products like pacifiers ...

5 Potentially Harmful Chemicals Now Banned From Kids' Products - **ConsumerReports.org**

Consumer Agency to Ban Harmful Chemicals in Children's Toys - **PR Newswire (press release)**

Michael Dourson: A Toxic Choice for Our Health and Safety

Union of Concerned Scientists (blog)

In short, Dourson pushes counterfeit science, is unfit to protect us from dangerous chemicals, and is a toxic choice for our health and safety.

Senate EPW Committee Postpones Vote on EPA Nominees - The National Law Review

Flouting Senate, EPA Chief Installs Chemical Safety Nominee as Senior Advisor

Environmental Working Group

“Dourson has been nominated for a very powerful role to protect the public from toxic chemicals, and the decision of whether he's fit for the job rests ...